101-26

Public Law 101-26
101st Congress

An Act

May 11, 1989
[H.R. 678]

To make a correction in the Education and Training for a Competitive America Act of 1988.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE EDUCATION AND TRAINING FOR A COMPETITIVE AMERICA ACT OF 1988.

20 USC 5122.

Section 6142(b) of the Education and Training for a Competitive America Act of 1988 is amended by striking "fiscal year 1988" and inserting "fiscal year 1989 and such sums as may be necessary for fiscal years 1990, 1991, and 1992".

State and local governments.

SEC. 2. IMPACT AID.

20 USC 237.

(a) FEDERAL ACQUISITION OF REAL PROPERTY.—Section 2 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) (hereafter in this section referred to as the "Act") is amended by adding at the end thereof the following new subsection (d):

"(d) Any payment made to a local educational agency for any fiscal year prior to 1987 that is attributable to an incorrect determination under subsection (a)(1)(C) shall be deemed to have been made in accordance with such subsection.".

20 USC 238.

(b) AMOUNT OF PAYMENTS.—(1) Section 3(d)(2) of the Act is amended by inserting before subparagraph (B) a new subparagraph (A) to read as follows:

"(A) For any fiscal year after September 30, 1988, the total amount of payments under subparagraph (B) may not exceed $20,000,000.".

(2) Section 3(d)(2)(B) of the Act is amended—

(A) in the third sentence by striking "80" and inserting "95"; and

(B) by striking the seventh sentence.

20 USC 240.

(c) PAYMENT PRORATION AUTHORITY.—Section 5(c)(4) of the Act is amended by striking "under clause (ii) or (iii) of paragraph (2)(B), or clause (ii) or (iii) of paragraph (3)(B), respectively, the full amount which local educational agencies are entitled to receive under such clauses" and inserting in lieu thereof "under paragraph (2)(B) or paragraph (3)(B), respectively, the full amounts that local educational agencies are entitled to receive under such paragraphs".

(d) PAYMENTS TO LOCAL EDUCATIONAL AGENCIES.—Section 5(e)(1)(A) is amended to read as follows:

"(A) For any fiscal year after September 30, 1988, the Secretary shall allocate, to any local educational agency eligible for a payment under section 3(a), not less than the product of—

"(i) the number of children in average daily attendance for the fiscal year for which the determination is made under section 3(a); and

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"(ii)(I) if such agency received a payment under section 3(a) in fiscal year 1987, the per pupil amount paid to that agency in fiscal year 1987; or

"(II) if such agency did not receive such a payment in fiscal year 1987, the per pupil amount such agency would have been paid in fiscal year 1987 if such agency had been eligible for payments under section 3(a) and the average daily attendance for such agency for fiscal year 1987 had been equal to the average daily attendance for such agency for the first fiscal year succeeding fiscal year 1988 for which a determination is made under section 3(a).".

(e) DISCRETIONARY ALLOCATIONS.—Paragraph (3) of section 5(e) of the Act is amended by inserting the words "subparagraph (B) of" after "under". 20 USC 240.

(f) APPLICATION DEADLINE.—The Secretary shall consider as timely filed, and shall process for payment, an application from a local educational agency that is eligible for fiscal year 1989 funds under section 2 or 3 of the Act, if such application has been certified by the State educational agency, was received by the Secretary by March 15, 1989, and is otherwise approvable. 20 USC 240 note.

SEC. 3. AMENDMENTS TO THE ADULT EDUCATION ACT.

(a) IN GENERAL.—Section 312(7) of the Adult Education Act is amended by striking "and except for the purposes of section 313,". 20 USC 1201a.

(b) EFFECTIVE DATE.—The provisions of this section shall take effect on the date of enactment of this Act. 20 USC 1201a note.

Approved May 11, 1989.

LEGISLATIVE HISTORY—H.R. 678:

HOUSE REPORTS: No. 101-2 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Mar. 7, considered and passed House.
Apr. 19, considered and passed Senate, amended.
Apr. 26, House concurred in Senate amendment.

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